

## REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 26, 2007. At the time of the Final Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected. Claim 1 has been amended to further define the present invention. Applicants respectfully request reconsideration and favorable action in this case.

### Claim Objections

Claim 1 was objected to by the Examiner because of informalities. Applicants amend Claim 1 to overcome this objection and respectfully request reconsideration and withdrawal of this rejection.

### Rejections under 35 U.S.C. § 102

Claims 1-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,697,882 or U.S. Patent No. 5,871,469 or U.S. Patent No. 5,683,366 all issued to Eggers et al. ("Eggers"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

Claims 1, 3-11 and 17-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,936,281 issued to Stasz ("Stasz"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

As amended, Claim 1 specifically recites that "the at least one active electrode terminal comprises *an end having an open electrode port* in communication with the electrode lumen; and the at least one active electrode terminal comprises *a body having a suction opening formed therein*, the suction opening in communication with the electrode lumen. Emphasis added. The method of Claim 20 also specifically recites that the electrode includes an end port and an opening formed in the wall of the electrode.

The Eggers references disclose an electrosurgical tool that includes a port formed at the terminal end of an annular electrode (see Fig. 20). However, Eggers does not disclose forming an

additional opening in the body of the electrode as recited. Similarly, Stasz teaches an electrosurgical apparatus with an opening at the tip (see Fig. 2) but does not disclose an additional opening formed in the body or the side of the apparatus.

Because the cited references do not teach each and every recited element, they cannot anticipate Claims 1 and 20 or the Claims that depend therefrom. Accordingly, Applicants respectfully request reconsideration, withdrawal of the rejections under §102 and full allowance of Claims 1, 20 and dependant Claims 2-19.

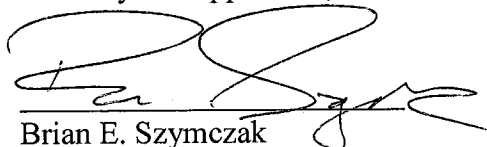
### CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.391.3961.

Respectfully submitted  
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